

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Chapter 13

Anthony and Denean Desantis

Case No. 17-24686

Debtor(s).

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Anthony and Denean Desantis (Name of proponent of modification) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney for Proponent	Lisa Lynn Ellmaurer
Firm Name	Geraci Law, LLC
Address, Suite #	2505 N. Mayfair Road, Suite 101
City, State, Zip	Wauwatosa, WI 53226

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Lisa Lynn Ellmaurer 2505 N. Mayfair Road Suite 101 Wauwatosa, WI (312) 809-2983 (877) 247-1960

Attorney Name
Street Address
Suite #
City, State, Zip
Phone No.
FAX No.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

- ☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only);
☐ the holder of an unsecured claim (post-confirmation modifications only)

Name: _____

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

- ☐ A. post-confirmation;
☒ B. pre-confirmation (Select i. or ii);
☐ i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
☒ ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).

The creditors affected are:

Get It Now
Attn Bankruptcy Dept
1230 W Sunset Drive
Waukesha, WI 53189

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

Surrender the household goods to Get It Now

4. The reason(s) for the modification is/are:

Address the secured claim filed by Get It Now. The debtors no longer have possession of any of the goods purchased from Get It Now

5. Select A. or B.

☐ A. The Chapter 13 Plan confirmed or modified on _____ is modified as follows:

☒ B. The unconfirmed Chapter 13 Plan dated 5/11/2017 is modified as follows:

The debtors surrender the household goods to Get It Now.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

Complete one of the certifications below:

1. I/We, _____, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

Debtor

Date

Debtor

Date

OR

2. I Lisa Lynn Ellmaurer, attorney for debtor(s) Anthony and Denean Desantis, certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

/s/ Lisa Lynn Ellmaurer

Counsel for the debtor(s)

July 14, 2017

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: July 14, 2017

at City, State.

Milwaukee, WI

Attorneys for Geraci Law, LLC

FIRM NAME

By: Lisa Lynn Ellmaurer

ATTORNEY

Bar No. 1092707

Print Form

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

Case No.: 17-24686
Judge: SVK
Chapter: Chapter 13

**In Re: Anthony M. Desantis
Denean R. Desantis**

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of this Certificate of Service and a copy of the attached Notice and Request to Modify Chapter 13 Plan were mailed First Class to the persons mentioned below, at their respective addresses, postage prepaid, by U.S. Mail in Milwaukee, WI on Friday, July 14, 2017:

Anthony M. Desantis
Denean R. Desantis
316 S Sherman St
Eagle, WI 53119

Get It Now
Attn Bankruptcy Dept
1230 W Sunset Drive
Waukesha, WI 53189

Additionally, the documents referenced above were also served via electronic means on the following individuals on Friday, July 14, 2017:

United States Trustee
Eastern District of Wisconsin
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Scott Lieske
Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203

Dated this Friday, July 14, 2017.

By: /s/ Lisa Lynn Ellmaurer
Lisa Lynn Ellmaurer
Attorney of the Debtor
Bar #: 1092707

Lisa Lynn Ellmaurer
Geraci Law LLC
2505 N. Mayfair Road, Suite 101
Wauwatosa, WI 53226
Phone: (312) 809-2983
Fax: (877) 247-1960
Email: wal@geracilaw.com